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6 Attorneys for BANK OF AMERICA, N.A.  
7 successor by merger to BAC HOME LOANS  
SERVICING, LP; and U.S. BANK, N.A. AS  
8 TRUSTEE FOR THE CERTIFICATEHOLDERS  
OF BANC OF AMERICA FUNDING  
9 CORPORATION MORTGAGE PASS-  
THROUGH CERTIFICATES SERIES 2007-D

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA — SAN FRANCISCO DIVISION

14 JOY CHIN AND JACK CHIN,

15 Plaintiffs,

16 vs.

17 BANK OF AMERICA, N.A. as successor by  
merger TO BAC HOME LOANS  
18 SERVICING, L.P. and U.S. BANK, N.A. AS  
TRUSTEE FOR THE  
19 CERTIFICATEHOLDERS OF BANC OF  
AMERICA FUNDING CORPORATION  
20 MORTGAGE PASS-THROUGH  
CERTIFICATES SERIES 2007-D,

21 Defendant.

Case No. 3:13-cv-02704-EDL

**STIPULATION TO STAY  
FORECLOSURE AND [PROPOSED]  
ORDER**

The Hon. The Hon. Elizabeth D. Laporte

Action Filed: June 25, 2013  
Trial Date: not set

24 **RECITALS**

25 1. This action was filed by Joy Chin and Jack Chin on June 25, 2013. The action is  
26 filed as an action under the court's Diversity Jurisdiction.

27 2. The Plaintiffs allege seven claims for relief surrounding their allegations that the  
28 Defendants Bank of America, N.A. successor by merger to BAC Home Loans Servicing, LP; and

1 U.S. Bank, N.A. as Trustee for the Certificateholders of Banc of America Funding Corporation  
 2 Mortgage Pass-Through Certificates SERIES 2007-D have wrongfully sought to foreclose on their  
 3 real property at 1820 Barossa Drive, San Ramon, California. The claims for relief include (1)  
 4 Breach of Contract, (2) False or Misleading Representations in the Collection of a Debt, (3)  
 5 Negligence, (4) Intentional Infliction of Emotional Distress, (5) Negligent Infliction of Emotional  
 6 Distress, (6) Reporting Inaccurate Credit Information, and (7) Violation of Business and  
 7 Professions Code §17200.

8 3. Shortly after this action was filed, the parties stipulated to, and the Court ordered, a  
 9 90-day stay of the litigation so that the parties could explore settlement, including good faith  
 10 review of the Plaintiffs for a loan modification. The stay of litigation, and the concomitant stay of  
 11 foreclosure activity, will expire on October 23, 2013. Because of the circumstances of this  
 12 particular case, the Parties may not be able to engage in thorough settlement discussions before the  
 13 expiration of the 90-day period.

14 4. However, the parties wish to avoid unnecessary expense and burden associated  
 15 with a court-ordered stay of foreclosure activity.

16 5. This is a voluntary agreement and Defendants allege that the Notice of Default has  
 17 been rescinded. This stay is not made as part of the Homeowner's Bill of Rights and the resultant  
 18 injunction is not subject to any of the damages or attorney's fees provisions Civil Code Section  
 19 2924.12(a)(1).

## 20 STIPULATION

21 **IT IS THEREFORE STIPULATED AND AGREED**, by and between Plaintiffs and  
 22 Defendants, and subject to the approval of the Court, that during the pendency of this litigation,

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1 Defendants shall not take any action to foreclose on the property located at 1820 Barossa Drive,  
2 San Ramon, California. This stipulation and order may be modified by motion and order.

3 DATED: October 1, 2013

SEVERSON & WERSON  
A Professional Corporation

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6 By: /s/ David E. Pinch  
David E. Pinch

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8 Attorneys for BANK OF AMERICA, N.A. successor by  
merger to BAC HOME LOANS SERVICING, LP; and U.S.  
9 BANK, N.A. AS TRUSTEE FOR THE  
10 CERTIFICATEHOLDERS OF BANC OF AMERICA  
FUNDING CORPORATION MORTGAGE PASS-  
11 THROUGH CERTIFICATES SERIES 2007-D

12  
13 DATED: October 1, 2013

HOUSING AND ECONOMIC RIGHTS ADVOCATES

14  
15 By: /s/ Elizabeth S. Letcher  
Elizabeth S. Letcher

16  
17 Attorneys for JOY CHIN and JACK CHIN

18  
19 **[PROPOSED] ORDER**

20 IT IS SO ORDERED.

21 Dated: \_\_\_\_\_

THE HONORABLE ELIZABETH D. LAPORTE